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12  
13 IN THE UNITED STATES DISTRICT COURT  
14 THE NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 MICHAEL SAVAGE,  
17 Plaintiff,

18 v.

19 COUNCIL ON AMERICAN-ISLAMIC  
20 RELATIONS, INC., COUNCIL ON  
AMERICAN ISLAMIC RELATIONS ACTION  
21 NETWORK, INC., COUNCIL ON AMERICAN  
ISLAMIC RELATIONS OF SANTA CLARA,  
22 INC., and DOES 3-100,

23 Defendants.

) Case No. CV07-06076 SI

) **REQUEST FOR JUDICIAL NOTICE IN**  
) **SUPPORT OF DEFENDANTS' MOTION**  
) **FOR JUDGMENT ON THE PLEADINGS**

) Date: March 7, 2008  
) Time: 9:00 a.m.  
) Courtroom 10, 19<sup>th</sup> Floor  
) Honorable Susan Illston

**I. INTRODUCTION**

Pursuant to Federal Rule of Evidence 201, Defendants Council on American-Islamic Relations, Inc., Council on American-Islamic Relations Action Network, Inc., Council on American-Islamic Relations of Santa Clara, Inc. (collectively "CAIR") respectfully requests that this Court take judicial notice of the following document attached as an exhibit to the Declaration Of Matthew Zimmerman in Support of CAIR's Motion for Judgment on the Pleadings:

- Exhibit A: Copy of U.S. Copyright Office website registration record of the October 29, 2007, episode of the "Savage Nation."

**II. ARGUMENT**

Under Rule 201, federal courts may take judicial notice of facts that are "not subject to reasonable dispute," because they are "either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201. As they qualify under the standard set forth under Rule 201, federal courts may take judicial notice of governmental websites. *See, e.g., Hawk Aircargo, Inc. v. Chao*, 418 F.3d 453, 457 (5th Cir.2005) (taking judicial notice of approval by the National Mediation Board published on the agency's website); *Coleman v. Dretke*, 409 F.3d 665, 667 (5th Cir.2005) (per curiam) (Fifth Circuit taking judicial notice of Texas agency's website); see also *O'Toole v. Northrop Grumman Corp.*, 499 F.3d 1218, 2007 WL 2421754, at \*6 (10th Cir.Aug.28, 2007) ("It is not uncommon for courts to take judicial notice of factual information found on the world wide web.") (citations omitted); *Denius v. Dunlap*, 330 F.3d 919, 926 (7th Cir.2003) (taking judicial notice of information on official government website pursuant to Rule 201).

Exhibit A is a copy of the United States Copyright Office copyright registration record for the October 29, 2007, episode of the "Savage Nation," the copyrighted work at issue in this case. This registration is identified by copyright registration number SR0000610214, registered December 17, 2007. This registration record was obtained from the United States Copyright Office online catalog, located on the Library of Congress website, at:

- [http://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?Search\\_Arg=michael+savage&Search\\_Code=TALL&PID=9376&SEQ=20080222035520&CNT=25&HIST=1](http://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi?Search_Arg=michael+savage&Search_Code=TALL&PID=9376&SEQ=20080222035520&CNT=25&HIST=1)

### III. CONCLUSION

For the foregoing reasons, CAIR respectfully requests that the Court take judicial notice of the document attached to the Declaration of Matthew Zimmerman in Support of Defendant's Motion for Judgment on the Pleadings.

DATED this 22nd day of February 2008.

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

ELECTRONIC FRONTIER FOUNDATION

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